

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MARIA MASUCCI,

Plaintiff,

v.

NORMAN MINETA, Secretary,
U.S. Department of Transportation,

Defendant.

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) Civil Action No. 04-12537 RGS
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**DEFENDANT'S MOTION FOR EXTENSION OF TIME
IN WHICH TO FILE ANSWER OR MOTION TO DISMISS**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, defendant Norman Mineta, Secretary, U.S. Department of Transportation, hereby moves for an extension of time of seven days, up to and including March 14, 2005, in which to file an answer or a motion to dismiss to plaintiff's Complaint. In support of the foregoing motion, defendant says as follows:

1. This action was filed on December 3, 2004. On January 3, 2005, the United States Attorney was served with a copy of the Complaint. An answer or Rule 12(b) motion therefore would be due on March 7, 2005. See Fed. R. Civ. P. 12(a)(3)(A); 6(e).

2. In support of this motion, the undersigned Assistant U.S. Attorney will need an additional seven days in which to review the file, which he only received from the client agency on March 1, 2005, and to prepare an answer or Rule 12(b) motion. In addition to his regular district court caseload, the undersigned Assistant U.S. Attorney has been occupied in preparing for oral argument before the United States Court of Appeals for the First Circuit in United States v. Baskin, No. 03-1695, which is scheduled to be heard on March 9, 2005.

3. On this date, the undersigned Assistant U.S. Attorney contacted counsel for the plaintiff, Michael J. Heineman, Esq., and inquired whether he would consent to this motion. Mr. Heineman graciously indicated that he would consent to this motion.

Wherefore, defendant respectfully requests that he be granted an extension of time of seven days, up to and including March 14, 2005, in which to file an answer or a motion to dismiss to plaintiff's Complaint.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Mark T. Quinlivan
MARK T. QUINLIVAN
Assistant U.S. Attorney
United States Attorney's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
617-748-3606

Dated: March 4, 2005

CERTIFICATE PURSUANT TO LOCAL RULE 7.1(a)(2)

Pursuant to Local Rule 7.1(a)(2), I certify that, on this date, March 4, 2005, I conferred with counsel for the plaintiff, Michael J. Heineman, Esq., regarding this motion, and Mr. Heineman graciously indicated that he would consent to this motion. .

/s/ Mark T. Quinlivan
MARK T. QUINLIVAN
Assistant United States Attorney